

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr181-MHT
)	(WO)
ALTWANA JAMAL SAVAGE)	

ORDER

This case is before the court on the issue of the defendant Altwana Jamal Savage's competency, about which the court is concerned in light of the evaluation by Dr. Kale Kirkland (Doc. 85) diagnosing Savage with an intellectual disability. Based on this diagnosis, the court finds that there is "reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering her mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against her or to assist properly in his defense." 18 U.S.C. § 4241(a). Therefore, the court is authorized to order an independent evaluation of Savage. See *id.* The court also finds that the

evaluation should be performed on an outpatient basis rather than an inpatient basis. See 18 U.S.C. § 4247(b) (for a competency evaluation, "the court may commit the person to be examined for a reasonable period, but not to exceed thirty days" (emphasis added)); *United States v. Neal*, 679 F.3d 737, 740–41 (8th Cir. 2012) (finding that, under 18 U.S.C. § 4247(b), a district court should order an outpatient evaluation of competency unless an inpatient evaluation is reasonably necessary to protect an important government interest).

Accordingly, pursuant to 18 U.S.C. § 4241(a) and (b), and § 4247(b) and (c), it is ORDERED as follows:

(1) By no later than November 30, 2022, Dr. Kale Kirkland, Central Alabama Psychology, P.C., (334) 819-4870, 1620 Carter Hill Road, Montgomery, AL 36106, shall conduct a psychological evaluation of defendant Altwana Jamal Savage's competency to proceed and file a

report of the evaluation with the court by emailing said evaluation to courtroom deputy Anthony Green at anthony_green@almd.uscourts.gov.

(2) The evaluation shall be conducted in person.

(3) In accordance with 18 U.S.C. § 4247(c), the report of the evaluation shall include: the defendant's history and present symptoms; a description of the psychiatric, psychological, and medical tests that were employed and their results; the examiner's findings; and the examiner's opinions as to diagnosis, prognosis, and whether defendant Savage is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

(4) A competency hearing is set, and sentencing shall resume, on December 8, 2022, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street,

Montgomery, Alabama. (If defendant Savage is found incompetent, the sentencing will be continued.)

DONE, this the 14th day of November, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE